UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,407	11/15/2001	Ofer Elzam	06727/0204018-US0	1004

7590	11/20/2006	EXAMINER

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EXAMINER
SHERKAT, AREZOO

ART UNIT	PAPER NUMBER
2131	

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

		Application No.	Applicant(s)
		10/002,407	ELZAM ET AL.
Office Action Summary		Examiner	Art Unit
		Arezoo Sherkat	2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>30 August 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>383-396</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>383-396</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>15 November 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☒ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. <u>8/9/2006</u>.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

Response to Amendment

This office action is responsive to Applicant's amendment received on 8/30/2006.

Claims 383-396 are pending.

Response to Arguments

Applicant's arguments with respect to claims 383-396 have been considered but

are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 383-396 are rejected under 35 U.S.C. 102(e) as being anticipated by

Stewart et al., (U.S. Patent No. 6,901,519 and Stewart hereinafter).

Regarding claims 383 and 391, Stewart discloses a method for routing data objects through a communication network that includes a virus detection system, the method comprising:

classifying an incoming data object to the communication network according to whether said incoming data object includes executable code or does not include executable code (i.e., if the included attachment from 206 is of an approved extension type, attachment inspection processing continues at step 208, which checks the approved attachment extension to see if it contains any executable codes, e.g., macros)(col. 3, lines 57-67 and col. 4, lines 1-28), if said classifying indicates that said incoming data object includes executable code, routing said incoming data object to the virus detection system (i.e., if the attachments contain unapproved macro, the attachment is forwarded to an available sacrificial PC processor 103 via data link 108 for conversion to a non-executable format and further detailed virus testing)(col. 4, lines 16-21), and if said classifying indicates that said incoming data object does not include executable code, routing said incoming data object directly to a destination thereof (i.e., if the email contains no attachment, the processing continues at step 210, "construct a safe e-mail message containing addressee information, secure format message, data, and the attachment hyperlinks")(col. 3, lines 40-45 and col. 4, lines 12-15).

Regarding claim 384, Stewart discloses the method of claim 383, wherein said incoming data object is an e-mail message (col. 3, lines 28-39).

Regarding claim 385, Stewart discloses the method of claim 383, wherein the communication network connects between a wide area network (i.e., Internet) and a local area network (i.e., company's local network including company email server, company workstation, and company printer)(Figure 1).

Regarding claim 386, Stewart discloses the method of claim 383, wherein the communication network connects between a wide area network (i.e., Internet) and a computer system (i.e., company's computer system)(Figure 1).

Regarding claim 387, Stewart discloses the method of claim 383, wherein the communication network connects between a wide area network (i.e., Internet) and a computer system (i.e., company's computer system)(Figure 1).

Regarding claim 388, Stewart discloses a router apparatus (i.e., Gatekeeper 102) comprising:

computerized virus detection functionality, operative to detect viruses within data objects that pass through said router apparatus (col. 4, lines 17-20), computerized data object classifying functionality operative to classify a data object according to whether said data object includes executable code or does not include executable code (i.e., if the included attachment from 206 is of an approved extension type, attachment inspection processing continues at step 208, which checks the approved attachment

extension to see if it contains any executable codes, e.g., macros)(col. 3, lines 57-67

and col. 4, lines 1-28), and computerized routing functionality, separate from said

computerized virus detection functionality operative to route said data object:

> to said computerized virus detection functionality if said computerized data
>
> object classifying functionality indicates that said data object includes executable
>
> code (col. 4, lines 17-20 and col. 4, lines 29-47), and

> directly to a destination of said data object if said computerized data
>
> object classifying functionality indicates that said data object does not include
>
> executable code (i.e., if the email contains no attachment, the processing
>
> continues at step 210, "construct a safe e-mail message containing addressee
>
> information, secure format message, data, and the attachment hyperlinks")(col.
>
> 3, lines 40-45 and col. 4, lines 12-15).

Regarding claim 389, Stewart discloses the router apparatus of claim 388,

wherein said computerized virus detection functionality comprises software elements

(i.e., at least, the standard Windows application processing supplied by the client)(col.

4, lines 29-47).

Regarding claim 390, Stewart discloses the router apparatus of claim 388,

wherein said computerized virus detection functionality comprises hardware elements

(i.e., email Gatekeeper server 102 and sacrificial taste testers 103)(col. 4, lines 29-47 –

Figure 1).

Regarding claim 392, Stewart discloses a router apparatus comprising:

computerized virus detection functionality, operative to detect viruses within data

objects selected from the group consisting of Web pages, e-mail messages and

communication packets that pass through said router apparatus (col. 4, lines 17-20),

computerized data object classifying functionality operative to classify a data object

according to whether said data object includes executable code or does not include

executable code (i.e., if the included attachment from 206 is of an approved extension

type, attachment inspection processing continues at step 208, which checks the

approved attachment extension to see if it contains any executable codes, e.g.,

macros)(col. 3, lines 57-67 and col. 4, lines 1-28), and computerized routing

functionality, separate from said computerized virus detection functionality (i.e., after

classifying the arriving emails, Gatekeeper server 102 passes emails with unapproved

macro attachments to sacrificial taste testers/processors 103 for a detailed virus testing)

operative to route said data object:

to said computerized virus detection functionality if said computerized

data object classifying functionality indicates that said data object includes

executable code (col. 4, lines 17-20 and col. 4, lines 29-47), and

directly to a destination of said data object if said computerized data object

classifying functionality indicates that said data object does not include

executable code (i.e., if the email contains no attachment, the processing

continues at step 210, "construct a safe e-mail message containing addressee

information, secure format message, data, and the attachment hyperlinks")(col. 3, lines 40-45 and col. 4, lines 12-15).

Regarding claim 393, Stewart discloses the router apparatus of claim 388, wherein said computerized data object classifying functionality comprises software elements (i.e., the email reader software on the Gatekeeper server 102)(col. 3, lines 28-44).

Regarding claim 394, Stewart discloses the router apparatus of claim 388, wherein said computerized data object classifying functionality comprises hardware elements (i.e., the Gatekeeper server 102)(col. 3, lines 28-44).

Regarding claim 395, Stewart discloses the router apparatus of claim 388, wherein said computerized routing functionality comprises software elements (i.e., the email reader software on the Gatekeeper server 102)(col. 3, lines 28-44).

Regarding claim 396, Stewart discloses the router apparatus of claim 388, wherein said computerized routing functionality comprises hardware elements (i.e., the Gatekeeper server 102)(col. 3, lines 28-44).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Liu et al., (U.S. Publication No. 2002/0147780),

Edwards et al., (U.S. Patent No. 6,931,540), and

Chen et al., (U.S. Patent No. 5,832,208).

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arezoo Sherkat whose telephone number is (571) 272-3796. The examiner can normally be reached on 8:00-4:30 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A.S.
Patent Examiner
Group 2131
November 12, 2006

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